

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

EUGENE CECIL ALLEN JR\*\*\* DISMISSED\*\*  
KAY DION ALLEN

CASE NO: 13-70150-HDH-13

HEARING DATE: 5/14/2014

HEARING TIME: 10:00am

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**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

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NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss Case with Prejudice in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$920.00 per month beginning 5/25/2013. The total amount paid to the Trustee is \$7,855.00 and the total amount in arrears is \$1,310.00 through March 2014.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee  
PO Box 94210  
Lubbock, TX 79493**

This motion is filed with prejudice due to prior case filings.

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed with prejudice per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

A HEARING WILL BE HELD 5/14/2014 AT 10:00am AT THE FOLLOWING ADDRESS:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT:  
US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301  
AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

EUGENE CECIL ALLEN JR\*\*\* DISMISSED\*\*\*\* & KAY DION ALLEN PO BOX 327 BRYSON TX 76427

DAVISON RUGELEY, LLP 900 EIGHT ST STE 1102 PO DRAWER 99 WICHITA FALLS TX 76307

ASCENSION CAPITAL GROUP PO BOX 201347 ARLINGTON TX 76006

Date: 3/25/2014

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee